

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|--------------------------------|---|--------------------------|
| DISCOVER PROPERTY & CASUALTY |) | |
| INSURANCE CO. |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 05-1263 |
| |) | |
| ABBY RECOVERY AGENCY, INC. and |) | |
| JOHN CARDENAS, |) | |
| Defendants. |) | |
| |) | |

ORDER

AND NOW, this 30th day of March, 2006, after the plaintiff, Discover Property & Casualty Insurance Company, filed an action in the above-captioned case, and after one of the defendants, John Cardenas, filed a counterclaim, and after the plaintiff filed a motion to dismiss the counterclaim, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff and the response to those objections filed by defendant John Cardenas, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 18), which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiff's motion to dismiss defendant John Cardenas's Counterclaim (Docket No. 9) is denied.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

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